IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

MONDAY, THE 8TH JANUARY 2007 / 18TH PAUSHA 1928

WP(C).No. 32426 OF 2006(I)

PETITIONER:

O.U. SHIBU, S/O. UTHUPPU,
AGED 30 YEARS, RESIDING AT OLANGATTU HOUSE,
NOOLPUZHA, SULTHAN BATHERY, WAYANAD.

BY ADV. SRI.P.DEEPAK

RESPONDENTS:

---

1. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY, WAYANAD.

2. M/S. SREERAM INVESTMENTS LIMITED,
SREERAM GROUP OF COMPANIES, SREEPADAM BUILDINGS,
CHEROOTY ROAD, KOZHIKODE.

BY ADV. SRI.C.HARIKUMAR
SRI.ARAVINDA KUMAR BABU T.K.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) 32426/2006

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1	TRUE COPY OF REGULAR PERMIT VALID TILL 6.12.2006.
EXT.P2	TRUE COPY OF THE APPLICATION FOR RENEWAL DATED 24.11.2006.
EXT.P3	TRUE COPY OF APPLICATION TO CONDONE DELAY DATED 24.11.2006.
EXT.P4	TRUE COPY OF THE ENDORSEMENT DATED 1.12.2006.
EXT.P5	TRUE COPY OF THE LIST OF DOCUMENTS PRODUCED IN O.S. NO. 160/06 BEFORE THE SUB JUDGE, SULTHAN BATHERY.
EXT.P6	TRUE COPY OF THE ORDER DATED 6.11.2006 IN I.A. NO. 972/2006 IN O.S. NO. 160/2006 BEFORE THE SUB JUDGE, SULTHAN BATHERY.
EXT.P7	TRUE COPY OF THE REPRESENTATION DATED 20.11.2006 ADDRESSED TO THE 2ND RESPONDENT.
EXT.P8	TRUE COPY OF THE APPLICATION FOR TEMPORARY PERMIT DATED 4.12.2006.
EXT.P9	TRUE COPY OF PROCEEDINGS OF THE 1ST RESPONDENT DATED 11.12.2006.

RESPONDENTS' EXHIBITS:

NIL.

// TRUE COPY //

P.S. TO JUDGE.

KNC/-

P.R. RAMAN, J.

==========

W.P.(C) NO. 32426 OF 2006

==========

DATED THIS, THE 8TH DAY OF JANUARY, 2007

J U D G M E N T

Petitioner seeks for a writ of certiorari calling for the records leading to Ext. P4 endorsement and quash the same. He further seeks a writ of mandamus commanding the first respondent to dispose of Ext.P2 application for renewal of Ext.P1 regular permit and pass orders thereon.

2. Petitioner's regular permit expired on 6.12.2006. He made an application for renewal of the same as per Ext.P2 dated 21.11.2006 which was received on 24.11.2006 as is seen from the endorsement made on it. Since the application was made beyond the period of 15 days prior to the expiry of the permit as prescribed under Section 81(2) of the Motor Vehicles Act, he has also filed a petition for condonation of delay, vide Ext.P3. Ext.P4 is an endorsement returning the application to the petitioner directing him to re-submit the same along with the NOC of the financier. According to the petitioner, he had already issued a notice Ext.P7 on 20.11.2006, as evidenced by the postal receipt attached therewith and since

no objection was raised by the financier and since "No Objection Certificate" was not issued by virtue of Section 51(7) of the Act on the expiry of the seven days period it shall be deemed that the certificate applied for have been issued by the financier. The financier is the second respondent in this writ petition. According to him, there are disputes pending between the parties in a civil suit. At any rate, he is not in a position to deny that objection was raised when he received Ext.P7. But that by itself may not entitle the petitioner for reconsideration of Ext.P2 application. According to the learned Government Pleader, the application was belated and though sub-section (3) of Section 81 of the Act gives power to the authority to condone the delay, no reasons are stated in Ext.P3 and as such there is nothing to consider for condoning the delay.

3. I have gone through Ext.P3 and find that no reasons are stated. If so, the authority cannot be directed to consider the application which does not contain any reason. Since the application Ext.P2 was not within time and Ext.P3 does not give any reason, a writ of mandamus cannot be issued by this Court.

Writ petition is dismissed. Issue photo copy.

P.R. RAMAN,
JUDGE.

knc/-